

REMARKS

In the Office Action, the Examiner rejected claims 1-62. However, for the reasons set forth below, among others, Applicants respectfully submit that all of pending claims 1-63 are allowable in their present form. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

As a preliminary matter, Applicants respectfully note that the recent Office Action was incomplete as it failed to indicate the status of, or even acknowledge, claim 63 of the present application. Applicants respectfully submit that this dependent claim is allowable at least based on its dependency from allowable independent claim 58, in addition to the subject matter separately recited by this dependent claim. As such, Applicants respectfully request examination and allowance of dependent claim 63. In the alternative, should the Examiner believe a rejection appropriate, Applicants respectfully request that the Examiner provide the rejection in a future, non-final Office Action to allow Applicants a fair and reasonable opportunity to respond to the new ground of rejection.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5, 7-39, and 44-62 under 35 U.S.C. § 102(e) as anticipated by Senda (U.S. Patent Publication No. 20020057849). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention “in as complete detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913,

1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of Independent Claims 1, 22, 31, 44, and 58

Turning now to the present claims, the Senda reference fails to disclose each element of independent claims 1, 22, 31, 44, and 58. For instance, independent claim 1 recites “a dynamic configuration system for the plurality of medical diagnostic components.” Claim 1 also recites that the dynamic configuration system comprises “a configuration data distributor” and “a component-specific data extractor” of *multi-component configuration data*. Further, independent claim 22 recites both “a configuration data provider” and “a configuration data broadcaster” of *multi-component configuration data*. Independent claim 31 recites “a configuration data receiver for a distributable multi-component configuration file” and “a configuration data extractor of the extractable component-specific application data.” Additionally, independent claim 44 recites “distributing multi-component configuration data comprising extractable component-specific configuration data for a plurality of medical diagnostic components.” Independent claim 44 also recites “extracting the extractable component-specific configuration data ... at each component of the plurality of medical diagnostic components” and “processing the extractable component-specific configuration data extracted at each component.” Additionally, independent claim 58 recites “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system adapted to provide a multi-component configuration file having extractable component-specific configuration data for a plurality of medical diagnostic components.” Because the Senda reference fails to disclose *any* of these elements, let alone each of these elements, the cited reference fails to anticipate independent claims 1, 22, 31, 44, and 58.

Applicants again respectfully submit that the Examiner's reliance upon the Senda reference is simply unfounded. The Senda reference is generally directed to a method and apparatus for transferring images from imaging equipment to another device. Page 1, paragraph [0002]. Particularly, Senda teaches a network system 100 including various imaging modalities 50, workstations 10, and workstations 70. Page 2, paragraphs [0031]-[0032]. The imaging modalities 50 and workstations 10 and 70 are networked with each other to facilitate communication between the devices. *Id.* Images obtained by the modalities 50 may be viewed on the workstations 70. Page 2, paragraph [0036]. Further, workstations 70 are configured to output such images to workstations 10, which include an image viewer, a print server, and a file server. Page 2, paragraph [0037] - page 3, paragraph [0039]. Using the workstation 70, an operator may specify the image viewer, printers, database, or the like as a destination for the images. Page 3, paragraph [0040]. In short, the Senda reference is devoted to the *transference* of images on a network, *not configuring* devices or components of the network.

As noted previously, while the paragraphs cited by the Examiner do include the word "configuration," Applicants respectfully note that the term is used in the Senda reference to describe the physical layout of the network and to indicate that the workstations have been configured at some indiscriminate time. Page 3, paragraphs [0041]-[0047]. After careful analysis, Applicants have been unable to identify any structure or devices in the Senda reference that can be reasonably compared to "a dynamic configuration system for the plurality of medical diagnostic components" as recited by independent claim 1. *Further, the Senda reference fails to disclose anything that could be equated with "configuration data," let alone "multi-component configuration data."* Consequently, the Senda reference cannot be reasonably relied upon to disclose a host of elements recited by independent claims 1, 22, and 31, including: "a configuration data distributor," "a component-specific data extractor," or any one of a configuration data receiver, extractor, processor, provider, or broadcaster of *multi-component configuration data*. Similarly, because the Senda reference fails to

disclose, or even mention, configuration data, the cited reference also fails to disclose “distributing multi-component configuration data” or the extracting and processing of such data, as recited by independent claim 44. Likewise, the Senda reference cannot be rationally considered to disclose “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system *adapted to provide a multi-component configuration file having extractable component-specific configuration data* for a plurality of medical diagnostic components” (emphasis added), as recited in independent claim 58. As a result of these numerous and readily apparent deficiencies, the Senda reference cannot support a *prima facie* case of anticipation. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejections of independent claims 1, 22, 31, 44, and 58, as well as the claims depending therefrom.

In the recent Office Action, the Examiner made general reference to several paragraphs of the Senda reference in support of this improper rejection. Particularly, the Examiner pointed to several passages that generally noted the transmission and receipt of data and images by the workstations 10, 70, and 202. If the present claims were simply directed to the most general concept of data transmission, the Examiner’s reliance on Senda might, hypothetically, be appropriate. However, the present application and claims clearly cannot be reasonably construed in this exceptionally broad manner. While the passages of the Senda reference relied upon by the Examiner may disclose computers capable of receiving, transmitting, and generating images and data, *nothing* in these passages disclose, teach, suggest, or even hint at transmitting multi-component configuration data, extracting or processing component-specific configuration data from multi-component configuration data, or the like, as variously recited by the instant claims. Applicants respectfully submit that the present rejection may be based on an incomplete understanding or appreciation of the subject matter disclosed and claimed in the present application. Applicants respectfully suggest that a review of the detailed description of the present application, with particular regard to paragraphs [0016]-[0023], may be of great use to the Examiner during the examination process. Alternatively, if the Examiner

would prefer, Applicants kindly invite the Examiner to contact the undersigned representative to discuss the significant differences between the present claims and the teachings of the Senda reference.

Though Applicants fully expect the Examiner will recognize the deficiencies of the Senda reference upon careful reconsideration of both the cited reference and the present application, should the Examiner decide to maintain the current rejection, Applicants respectfully request that the Examiner particularly point out which elements of the Senda apparatus the Examiner believes are somehow comparable to the elements of the instant claims. Particularly, discussion of those portions of the reference the Examiner believes to disclose multi-component configuration data, the transmission of such data, and the extraction of component-specific portions of such data, would be greatly appreciated.

For at least these reasons, among others, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1-5, 7-39, and 44-62.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Senda in view of Rosenfeld et al. (U.S. Patent No. 6,804,656). The Examiner also rejected claims 40-43 as unpatentable over Senda in view of Madsen et al. (U.S. Patent No. 5,827,942). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination.

ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Omitted Features of Independent Claim 40

Applicants respectfully note that the Senda and Madsen et al. references, taken alone or in hypothetical combination, fail to disclose each element of independent claim 40. For instance, independent claim 40 recites distribution means for distributing “*multi-component behavioral data* to a plurality of medical diagnostic components” (emphasis added). Also, claim 40 recites processing means for “processing *component-specific portions of the multi-component behavioral data* at each of the plurality of medical diagnostic components” (emphasis added). Similar to the discussion above, the Senda reference fails to teach anything remotely comparable to either “multi-component behavioral data” or “processing component-specific portions” of such data. Further, the Madsen et al. reference does nothing to obviate these glaring deficiencies of the Senda reference. Because the cited references, taken alone or in hypothetical combination, fail to disclose such elements, the cited references cannot support a *prima facie* case of obviousness with respect to independent claim 40 or its dependent claims.

Dependent Claim 6

Applicants note that claim 6 depends from independent claim 1. As discussed above, the Senda reference fails to disclose each element of independent claim 1. Further, the Rosenfeld et al. reference does nothing to obviate the deficiencies of the Senda reference. As a result, dependent claim 6 is allowable on the basis of its dependency from a respective allowable independent claim, as well as for the subject

matter separately recited in this dependent claim. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claim 6.

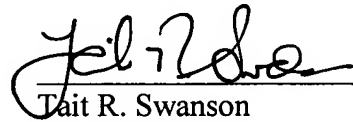
For at least these reasons, among others, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 6 and 40-43.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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